

not appear thereon in the Italian language; and (portion), Section 403 (k), it contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: June 14, 1945. A plea of nolo contendere having been entered by the defendant, a fine of \$50 on each of 6 counts, a total fine of \$300 plus costs, was imposed.

8076. Adulteration and misbranding of edible oil. U. S. v. 11 Cans of Oil. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13841. Sample No. 82771-F.)

LIBEL FILED: October 2, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 23, 1944, by the Lucatelli Packing Co., West New York, N. J.

PRODUCT: 11 1-gallon cans of oil at New York, N. Y.

LABEL, IN PART: (Cans) "One Gallon Net Imported Produce Lucatelli Superfine Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance containing about 30 percent of peanut oil had been substituted in whole or in part for olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the designs of gold medals and of olive branches, and the label statements, "Imported Produce * * * Superfine Olive Oil Guaranteed 100% Pure" and "Extra Sublime This can contains the cream of imported virgin olive oil guaranteed to be chemically pure—It excels for table cooking and medicinal use," (and similar statements in Italian) were false and misleading as applied to an article containing about 30 percent of peanut oil.

DISPOSITION: March 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, after withdrawal of one of the cans of oil by the Food and Drug Administration.

8077. Misbranding of edible oil. U. S. v. 231 Cases and 28 Cases of Oil. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12147. Sample Nos. 51890-F, 51891-F.)

LIBEL FILED: April 17, 1944, District of Rhode Island; amendment to libel filed January 10, 1945.

ALLEGED SHIPMENT: Between the approximate dates of December 9, 1943, and February 10, 1944, by the Gem Packing Corporation, from Brooklyn, N. Y.

PRODUCT: 231 cases, each containing 6 1-gallon cans, of oil and 28 cases, each containing 12 ½-gallon cans, of oil at Georgiaville, R. I. Analysis showed that the product contained little or no peanut or olive oil.

LABEL, IN PART: "Gem Brand Choice Cottonseed, Corn, Peanut Oils and Extra Fine Olive Oil."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statements, "Choice Cottonseed, Corn, Peanut Oils and Extra Fine Olive Oil," were misleading in that they created in the mind of the purchaser the impression and belief that the article contained a substantial quantity of olive oil and peanut oil, whereas the article contained little or no olive oil and little or no peanut oil; and, Section 403 (f), the label contained representations in a foreign language, Italian, and the statement of the quantity of the contents and the common or usual name of each ingredient, required by law to appear on the label, did not appear thereon in the foreign language.

DISPOSITION: March 17, 1945. The Gem Packing Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that an additional amount of peanut oil and olive oil be added and that the product be repackaged and relabeled under the supervision of the Food and Drug Administration.

8078. Adulteration and misbranding of salad dressing. U. S. v. Henry T. Morin (Green Garden Food Products). Plea of guilty. Fine, \$150 and costs. (F. D. C. No. 14212. Sample No. 43160-F.)

INFORMATION FILED: March 21, 1945, Western District of Washington, against Henry T. Morin, trading as the Green Garden Food Products, Seattle, Wash.

ALLEGED SHIPMENT: On or about August 31, 1943, from the State of Washington into the State of Oregon, of a number of tubs containing a product invoiced as "Salad Dressing."